IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

Crl.MC.No. 3517 of 2007()

CMP.500/2007 of JUDL.MAGISTRATE OF FIRST CLASS-I, ALUVA
CRIME NO.944/06 OF ANGAMALY POLICE STATION

.....

PETITIONER: 2ND ACCUSED

KANNAN @ KIRAN @ DONA, S/O. KRISHNAN,
AGED 35 YEARS, MUDAKKAL VEEDU, MAROTTICHUVADU
BHAGOM, THRIKKAKARA VILLAGE, ERNAKULAM DISTRICT.

BY ADV. SRI.RAJIT
SRI.M.L.SURESH KUMAR

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI.M.S. BREEZ.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. No. 3517 OF 2007

Dated this the 22nd day of November, 2007

ORDER

The petitioner faces allegations in a crime registered for offences punishable, inter alia, under Secs.120B and 195A of the IPC. The petitioner has remained in custody from 22/11/06. The petitioner was granted bail as per the order dated 5/3/07 subject to conditions. The learned Magistrate had insisted that the petitioner must execute bond for Rs.10,000/- with two solvent sureties each for the like sum. It was further insisted that the sureties must produce the title deeds in original before court. It was further directed that if the title deeds are at the bank or other like authority, a solvency certificate to prove the solvency and acceptability of the sureties must be produced. In the alternative, it was directed that an amount of Rs.20,000/- must be deposited in

court.

2. The learned counsel for the petitioner laments that the conditions imposed are too onerous for the petitioner to satisfy them. The petitioner is languishing in prison. He is no one out side who can undertake the necessary labour to obtain a solvency certificate. Rigid insistence on production of solvency certificate may not be made. The learned Magistrate may be directed to consider the acceptability of the sureties on the basis of whatever documents they produce and if they are found to be sufficient and solvent enough to execute a bond for Rs.10,000/-, they may be accepted as sureties. This is the short prayer made by the learned counsel for the petitioner.

3. In the facts and circumstances of this case, considering the period of incarceration, I find the said request to be one deserving sympathetic and favourable consideration. I am satisfied that that the said conditions can be modified. The learned Magistrate can be directed to consider the acceptability of the sureties on the basis of whatever documents they produce and if the learned Magistrate is satisfied about their solvency, sufficiency and adequacy on the basis of such materials, the

learned Magistrate can accept those sureties and admit the petitioner to bail.

4. This petition is accordingly allowed to the above extent.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge